

E-FILING

FILED

JUL 21 2008

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
Plaintiff,

v.

THUZAR TIN YU,  
Defendant.

**CROS-90346MISC** No. 8

DECLARATION OF VICKI H.  
YOUNG IN SUPPORT OF EX PARTE  
THUZAR TIN YU'S APPLICATION  
FOR CJA COUNSEL

HRL

I, Vicki H. Young, state and declare as follows:

1. I am the attorney appointed pursuant to 18 U.S.C. 3006A to represent the defendant Chan Ho Mg Mg Liu in case number CR 05-00723 JW. I have represented Mr. Liu since November 2005. Mr. Liu has pleaded guilty and is pending sentencing.
2. Thuzar Tin Yu is the girlfriend of Chan Ho Mg Mg Liu. She was arrested by DEA at the same time as Mr. Liu in November 2005, but was released without charges.
3. Thuzar Tin Yu was served with a subpoena by DEA at her place of work earlier this week. The subpoena directs her to testify at the jury trial of two co-defendants, Pong Lin Liu and Man Liu, which is set for August 19, 2008. The subpoena directs Thuzar Tin Yu to appear on Monday August 25, 2008, even though the trial will not be in session that day. (See the attached minute order with the trial schedule.)

DECLARATION OF VICKI H. YOUNG

- 1 -

4. Thuzar Tin Yu speaks very limited English, and her primary language is Burmese. My client Chan Ho Mg Mg Liu also requires the services of a Burmese interpreter and I have used Victor Sein, from Ontario, California, to communicate with him. Mr. Sein has the capability to interpret through three-way telephone calls.
5. Thuzar Tin Yu called me on Tuesday July 15, 2008, to help her get an attorney to help her with the subpoena. I believe that Thuzar Tin Yu needs the assistance of counsel so that she can assert her Fifth Amendment privilege not to testify at trial. She has never received immunity from the government, and the statute of limitations has not run. The DEA found nine kilograms of cocaine and many boats of MDMA in the second bedroom of the apartment where Thuzar Tin Yu was arrested on November 2005.
6. In order to assist Thuzar Tin Yu in completing the financial affidavit, I called the interpreter Victor Sein to translate for form for her and translate her answers for me.
7. I believe that Thuzar Tin Yu is entitled to the appointment of counsel, and appointment of counsel at this time is preferable than interrupting the trial so that she can consult counsel while she is on the witness stand.
- 8.. I am submitting this declaration on Thuzar Tin Yu's behalf since she does not have the ability to prepare a declaration on her own, and she does not have the funds to hire an interpreter to assist her in preparing the declaration. This declaration is based upon my own knowledge of the case and my discussion with Miss Yu with the assistance of the interpreter.

I hereby declare under penalty of perjury that the foregoing is true and correct to the best of my ability, information and belief.

Executed this 18<sup>th</sup> day of July, 2008, at San Francisco, California.

  
VICKI H. YOUNG

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIACRIMINAL MINUTES**\*E-FILED\***

Judge: James Ware  
Date: 2/11/2008  
Case No.: CR-07-0523 JW  
Relat: Case No.: N/A

Courtroom Deputy: Elizabeth Garcia  
Court Reporter: Summer Clanton  
U.S. Probation Officer: N/A  
Interpreter: Kenny Fung (Cantonese)

TITLE

U.S.A. v. Pong Lin Liu (1) (NC); Man Ning Tao (9)(NC); Man Nei Lui (9)(NC)

Attorney(s) for Plaintiff(s): John Glang  
Attorney(s) for Defendant(s): Kurt Robinson - Pong Lin Liu  
Michelle Spencer - Man Ning Tao  
Steven Gruel - Man Nei Lui

PROCEEDINGS

Status Hearing for all Defendants

ORDER AFTER HEARING

Hearing Held. Defendants Pong Lin Liu, Man Ning Tao and Man Nei Lui present and not in custody for proceedings. Defendants Man Ning Tao and Man Nei Lui were aided by a Cantonese Language Interpreter for proceedings. The Court set the following pretrial and trial dates as to Defendants Pong Lin Liu, Man Ning Tao and Man Nei Lui:

1. Final Pretrial Conference set for August 4, 2008 at 1:30 PM
2. Jury Selection set for August 19, 2008 at 9:00 AM - 12:00 PM
3. Jury Trial set for (full days):

August 19, 2008 1:00 - 4:00 PM  
August 20, 2008 through August 22, 2008 at 9:00 AM - 12:00 PM; 1:00 PM - 4:00 PM  
August 26, 2008 through August 29, 2008 at 9:00 AM - 12:00 PM; 1:00 PM - 4:00 PM  
September 2, 2008 through September 5, 2008 at 9:00 AM - 12:00 PM; 1:00 PM - 4:00 PM  
September 9, 2008 through September 12, 2008 at 9:00 AM - 12:00 PM; 1:00 PM - 4:00 PM

4. Jury Deliberations set for September 15, 2008 through September 19, 2008

Time is excluded from March 17, 2008 through August 19, 2008

*Elizabeth C. Garcia*  
Elizabeth C. Garcia  
Courtroom Deputy  
Original: E-filed  
CC: J. Younger